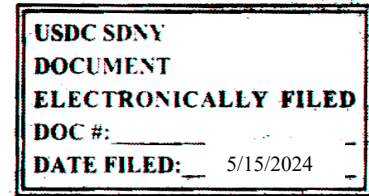


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Kerry Kotler,

17-cv-239 (CS) (VR)

Plaintiff,

**ORDER**

-against-

C. Boley, et al.,

Defendants.

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**VICTORIA REZNIK, United States Magistrate Judge:**

In November 2023, the Court granted Plaintiff's motion to reopen discovery and discovery was reopened for the limited purpose of: (1) serving a non-party subpoena on the Dutchess County District Attorney; and (2) serving a request for an interrogatory on Defendants. (*See* ECF No. 135; 11/07/2023 Minute Entry).

In January 2024, the parties informed the Court that Defendants had responded to Plaintiff's request for interrogatories and that Plaintiff was awaiting response to the subpoena that had been served on the Dutchess County District Attorney. (ECF No. 142).

In February 2024, after the Dutchess County District Attorney had failed to respond to Plaintiff's subpoena, the Court issued an order to show cause, ordering the Dutchess County District Attorney to show cause why the Court should not grant Plaintiff's request to compel compliance with the subpoena. (ECF No. 149).

On March 21, 2024, the Dutchess County District Attorney responded to the order to show cause and to Plaintiff's subpoena, explaining that "no District Attorney investigation file was opened in connection with the matter referenced in Plaintiff's 'so ordered subpoena duces

tecum.” (ECF No. 151). They also stated that “the Dutchess County District Attorney’s Office is not in possession of any ‘reports, statements, logs, scratch notes or any other records’ in relation to this matter,” and that “there are no records of any communications between the District Attorney’s Office and officials for NYS DOCCS and/or Christopher Coley and/or John U. Carreras.” (*Id.*).

In light of the Dutchess County District Attorney’s response, the Court now considers discovery complete. The parties are directed to write to Judge Karas, requesting that the Court schedule a Case Management Conference.

The Clerk of Court is respectfully directed to mail a copy of this order to Plaintiff.

**SO ORDERED.**

DATED: White Plains, New York  
May 15, 2024

  
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VICTORIA REZNIK  
United States Magistrate Judge